THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14699 of 2007

Dated: 16-07-2007

Between:

Sivareddy Balaramireddy.

..... PETITIONER

AND

The State of Andhra Pradesh,
rep.by its Principal Secretary, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14699 of 2007

ORDER:

The petitioner is allegedly owner of land admeasuring 46.29 in survey No.33/3 situated at Ponnavolu Village, Chillakur Mandal, Nellore District, which he purchased under an agreement of sale dated 18.12.1991. He also filed a suit, being O.S.No.58 of 1993 on the file of the Court of the Subordiante Judge, Gudur, for specific performance of said agreement of sale, which was decreed in his favour. He obtained the sale deed from said Court. Subsequently he sold away an extent of Acs.15.00 of land to one P.V.Subba Reddy, in whose favour third respondent issued pattadar passbook(PPB)/title deed(TD). When PPB was issued to the petitioner, it is alleged that instead of showing the area as Acs.31.29 (Acs.46.29 – Acs.15.00), PPB was issued only for Acs.29.86. Therefore, he submitted a representation on 27.04.2007 requesting third respondent to correct the entries, in vain. Therefore, he filed instant writ petition seeking appropriate direction.

The writ petition itself is filed seeking a declaration that the action of third respondent in not considering the representation dated 27.04.2007 is illegal and arbitrary. The learned counsel for the petitioner, however, submits that even earlier thereto the petitioner went on making representations. Therefore, the delay on the part of third respondent is arbitrary.

This Court, having considered the submissions of the learned counsel for the petitioner and perused the necessary documents, is convinced that there is no abnormal delay on the part of third respondent. In such an event, a writ petition, according to the principal laid down in **Mir Fazle Ali Nasiri v. State of Andhra Pradesh**[1], would not lie. The petitioner has to pursue the remedy with third respondent.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

16th July, 2007
ghn

[1] 2007(2) ALD 3